

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
WEDNESDAY, JANUARY 25, 2017**

MINUTE ORDER NO. 1

**SUBJECT: NOTICED PUBLIC HEARING:
ORDINANCE OPTIONS AMENDING THE SAN DIEGO COUNTY
ZONING ORDINANCE REGARDING MEDICAL MARIJUANA
COLLECTIVE FACILITY REGULATIONS, NON-MEDICAL
MARIJUANA DISPENSARY REGULATIONS, AND EXTENDING A
MORATORIUM ON THE ESTABLISHMENT OF MEDICAL
MARIJUANA COLLECTIVE FACILITIES; POD 16-001
(DISTRICTS: ALL)**

OVERVIEW:

This is a request for the Board to consider proposed amendments to the Zoning Ordinance related to Medical Marijuana Collective Facilities. On March 16, 2016 (3), the Board of Supervisors (Board) adopted an interim urgency ordinance enacting a moratorium on the establishment of medical marijuana collective facilities for a 45-day period. This moratorium was extended on April 27, 2016 (2), for an additional 10 months and 15 days. The current interim urgency ordinance will expire on March 16, 2017. At the April 27, 2016 hearing, the Board directed staff to return with several options to amend the Zoning Ordinance section(s) pertaining to Medical Marijuana Collective Facilities.

Based on the Board's direction, staff is proposing seven different options for consideration, which include (Attachment A1):

1. Require a separation buffer from a Residential Use rather than a Residential Zone.
2. Increase the sensitive land use buffer from 1,000 feet to ¼ mile.
3. Increase the sensitive land use buffer from 1,000 feet to ½ mile.
4. Increase the sensitive land use buffer from 1,000 feet to 1 mile.
5. Require a 1,000-foot separation buffer from incorporated cities.
6. Require a Major Use Permit for a Medical Marijuana Collective Facility.
7. Limit the number of Medical Marijuana Collective Facilities to four per supervisorial district.

On November 4, 2016, the Planning Commission reviewed these options and added an eighth option for the Board to consider. The Planning Commission's recommended Option would limit medical marijuana dispensaries (storefronts) to four per supervisorial district and two dispensaries per Community Planning Area. Cultivation-only facilities would continue to have to meet the regulatory requirements of the Zoning Ordinance. In addition this Option would require applicants obtain a Minor Use Permit, County Code amendments to increase the facility membership age from 18 to 21 and decrease the hours of operation.

An interim urgency ordinance extending the moratorium for a one-year period ending January 25, 2018, is also included for Board consideration.

Today's action includes minor amendments to a previously imposed ordinance to remove redundant and unnecessary language related to non-medical marijuana dispensaries.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

PLANNING COMMISSION

The Planning Commission recommends that the Board take the following actions on January 25, 2017:

1. Find that the project, comprising of several options for the Board to consider, complies with the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines because the amendments can be found exempt from CEQA per Section 15061(b)(3) of the CEQA Guidelines.
2. Introduce the attached modified Form of Ordinance (Attachment B1a):
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO AMEND THE MEDICAL MARIJUANA COLLECTIVE FACILITY REGULATIONS
3. Introduce the attached San Diego County Code amendment (Attachment B2a):
AN ORDINANCE AMENDING SECTION 21.2505 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO OPERATING REQUIREMENTS FOR MEDICAL MARIJUANA COLLECTIVE FACILITIES

If, on January 25, 2017, the Board takes actions recommended in Items 2 and 3, then, on February 15, 2017:

4. Adopt the attached Form of Ordinance (Attachment B1a):
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO AMEND THE MEDICAL MARIJUANA COLLECTIVE FACILITY REGULATIONS
5. Submit the Ordinance (Attachment B2a) for further Board consideration and adoption (second reading):
AN ORDINANCE AMENDING SECTION 21.2505 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO OPERATING REQUIREMENTS FOR MEDICAL MARIJUANA COLLECTIVE FACILITIES

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) concurs with Recommendation 1 of the Planning Commission and recommends that the Board take the following actions on January 25, 2017:

1. Find that the proposed Ordinance extending the Moratorium is not a project as defined by CEQA, pursuant to Sections 15060(c)(3) and 15378 of the State CEQA Guidelines.
2. Find that the project, updating and clarifying existing regulations pertaining to non-medical marijuana, complies with CEQA and State and County CEQA Guidelines because the amendments can be found exempt from CEQA per Section 15061(b)(3) of the CEQA Guidelines.
3. Adopt the attached Form of Ordinance (Attachment C1):
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO AMEND AND CLARIFY NON-MEDICAL MARIJUANA DISPENSARY REGULATIONS
4. If the Board chooses, adopt an Ordinance Option, a combination of Ordinance Options or amended Ordinance Options from the attached Form of Ordinances (Attachment A1):
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO AMEND THE MEDICAL MARIJUANA COLLECTIVE FACILITY REGULATIONS
5. If the Board chooses, adopt the attached Form of Ordinance (Attachment D):
AN ORDINANCE EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE FACILITIES AND DECLARING THE URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY (**4 VOTES**)

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Horn, the Board closed the Hearing and directed the Chief Administrative Officer to return to the Board, with an Ordinance to place a ban on all medical and non-medical marijuana facilities, collectives, dispensaries, and cultivation within the unincorporated areas of San Diego County, including an amortization clause for those that have been determined to be vested or are legally operating, for a period of five years with the ability of one 6-month extension.

AYES: Jacob, Gaspar, Horn

NOES: Cox, Roberts

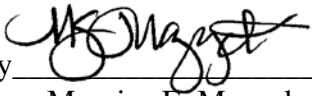
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State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the original entered in the Minutes of the Board of Supervisors.

DAVID HALL
Clerk of the Board of Supervisors



By 
Marvice E. Mazyck, Chief Deputy